



Paper No. 19

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OFFICE OF PETITIONS

In re Application of :
Shrader :
Application No. 10/076,257 :
Filed: February 13, 2002 :
Attorney Docket No. S300-9901-013C :

ON PETITION

This decision concerns the February 17, 2004 "Petition to Revive and Continued Examination Request" which is being properly treated as a petition under 37 CFR 1.137(b) to revive the above-referenced application.

The petition is **GRANTED**.

On March 28, 2003, a final Office action was mailed, setting forth a 3-month shortened statutory reply period.

On May 19, 2003, a proposed "Amendment After Final Rejection" was filed, requesting reconsideration of the March 28, 2003 final Office Action, but, as indicated in the May 28, 2003 Advisory Action, did not place the application in condition for allowance.

On June 30, 2003 (Certificate of Mailing date June 25, 2003), a proposed amendment (Amendment C) was filed with a request for a 1-month extension of time and the extension-of-time fee, and, as stated in the July 9, 2003 Advisory Action, again did not place the application in condition for allowance and was not entered by the Examiner. The Advisory Action pointed out that the period for responding to the March 28, 2003 final Office Action remained that set forth in that Office action.

On July 24, 2003, Applicant requested an additional 2-month extension of time, but no further response was filed.

Since no proper reply was filed on or before September 29, 2003 (Monday), the application became abandoned on September 29, 2003.

The instant petition encloses a Request for Continued Examination (RCE) as reply to the March 28, 2003 final Office Action, the \$385 RCE filing fee (small entity), and the \$665 petition fee (small entity). In addition, the petition requests to use the June 30, 2003 proposed amendment (Amendment C) as the RCE "submission" required by 37 CFR 1.114, and states in essence that

the entire delay in filing a proper reply to the March 28, 2003 final Office Action from the due date until the filing of a grantable §1.137(b) petition was unintentional. The petition is thus granted.

The application is hereby revived for establishing continuity with the RCE.

The application file is being returned to Technology Center 3700 for continued examination.

Telephone inquiries should be directed to the undersigned at (703) 308-0763.



RC Tang
Petitions Attorney
Office of Petitions